

TOWN OF CHATHAM

HOME RULE CHARTER

History: adopted at the May 11, 1995 Annual Election.

Amended by Article 21 of the May 14, 2001 Annual Town Meeting. Such amendments were then determined by the Office of the Attorney General as follows: "It is our opinion that there is no conflict between the proposed amendments and the laws and constitution of the Commonwealth." (See letter dated July 20, 2001.)

(Note: amendments in Italics.)

Part I Incorporation and Authority

Section 1-1 *Incorporation Continued*

The inhabitants of the Town of Chatham, Massachusetts, within its territorial limits as now or may hereafter be established by law, shall continue to be a body politic and corporate, known as the Town of Chatham.

Section 1-2 *Short Title*

This instrument may be cited and shall be known as the Chatham Home Rule Charter.

Section 1-3 *Division of Powers*

All legislative powers of the Town shall be vested in a town meeting open to all voters. The administration of all town fiscal, prudential and municipal affairs shall be vested in the executive branch headed by the board of selectmen and town manager.

Section 1-4 *Powers of the Town*

The intent and purpose of this charter is to secure for the Town of Chatham, through the adoption of this charter, all the powers possible for town government under Article

LXXXIX (89) of the Amendments to the Constitution of the Commonwealth and Laws of the Commonwealth, as fully as though each such power were specifically and individually enumerated herein.

Section 1-5 *Interpretation of Powers*

The powers of the town under the charter shall be construed and interpreted liberally in favor of the town and the specific mention of any particular power is not intended to limit in any way the general powers of the town as stated in Section 1-4.

Section 1-6 Consistency with Town Bylaws

Where provisions of this charter conflict with provisions of town bylaws, rules, regulations, orders, general laws, special acts and acceptances of general laws, the charter provisions shall govern. All provisions of town bylaws, rules, regulations, orders and special acts not superseded by this charter shall remain in force.

Section 1-7 *Intergovernmental Relations*

The town, through the board of selectmen, may enter into agreements with any other unit of government to perform jointly or in cooperation, by contract or otherwise, any of its powers or functions.

Section 1.8 Ethical Standards

Elected and appointed officers, officials and employees of the Town of Chatham are expected to demonstrate, in their general conduct and in the performance of their duties and responsibilities, the highest ethical standards. Elected and appointed officers, officials and employees of the Town of Chatham are expected to recognize that they hold their offices or positions for the benefit of the public and that while acting in their official capacity they are expected to faithfully discharge the duties of their offices in the public interest, regardless of personal considerations. Elected and appointed officers, officials and employees of the Town of Chatham shall not use their official positions to secure or to grant special consideration, treatment, advantage, privilege or exemption to themselves or to any other person beyond that which is available to every person.

Part II Legislative Branch

Section 2-1 *Open Town Meeting*

The legislative powers of the town shall be exercised by a town meeting open to all voters.

Section 2-2 *Presiding Officer*

All sessions of the town meeting shall be presided over by a moderator, elected as provided in Part III. The moderator shall regulate the proceedings, decide questions of order, and make public declaration of all votes. The moderator shall have all of the powers and duties given to moderators under the constitution and the laws of the commonwealth, and such additional powers and duties as may be authorized by the charter, by bylaw or by other town meeting vote.

Section 2-3 *Annual Town Meeting*

The annual town meeting shall be held on such date or dates as may from time to time be fixed by bylaw.

Section 2-4 *Special Town Meetings*

Special town meetings shall be held at the call of the board of selectmen at such times as it may deem appropriate and whenever a special meeting is requested by the voters in accordance with procedures made available by the laws of the commonwealth.

Section 2-5 *Clerk of the Meeting*

The town clerk shall serve as the clerk to the town meeting. In the event of unavoidable absence, the town clerk shall designate a substitute; otherwise, the moderator shall appoint a clerk pro tempore. The town clerk shall give notice of all meetings to the public, keep a journal of its proceedings and perform such other functions as may be provided by the laws of the commonwealth, by the charter, by bylaw or by other town meeting vote.

Section 2-6 *Warrant Articles*

Except for procedural matters, all subjects to be acted on by town meeting shall be placed on warrants issued by the board of selectmen. The board of selectmen shall receive all petitions addressed to it which require the submission of particular subject

matter to the town meeting in accordance with the laws of the commonwealth. All such requests for the inclusion of subjects shall be in writing but they shall not be required to conform to any particular style or form except that each request for a particular subject shall be submitted as a separate petition.

Section 2-7 *Publication and Distribution of the Warrant*

In addition to any notice required by the laws of the commonwealth, the board of selectmen shall cause the annual town meeting warrant to be mailed to each residence of one or more voters. Such distribution shall occur at least fourteen (14) days prior to the town meeting. Failure of a voter to receive such warrant shall not invalidate the action of the town meeting.

Section 2-8 *Town Meeting Action*

The exercise of the legislative power by a vote of Town Meeting shall be presumed to be binding, and shall be implemented by a designated town agency or department in conformance with the law or such vote.

Part III Elected Town Officers

Section 3-1 *Elected Town Officers, In General*

The offices to be filled by the voters shall be a board of selectmen, a school committee, a moderator, housing authority and such other regional authorities, districts or committees as may be required by law of the commonwealth or inter-local agreement.

Section 3-2 *Board of Selectmen*

(a) *Composition, Term of Office*

There shall be a board of selectmen composed of five members elected for terms of three (3) years each, so arranged that the terms of as nearly an equal number of members as is possible shall expire each year.

(b) *Powers and Duties*

The executive authority of the town shall be vested in the board of selectmen who shall serve as the chief policy making agency of the town. The board of selectmen shall continue to have and to exercise all the

powers and duties vested in boards of selectmen by the laws of the commonwealth, and such additional powers and duties authorized by the charter, by bylaw or by vote of the town, except those powers and duties granted to the town manager under this charter.

The board of selectmen shall have all the powers and duties of a water and sewer commission, unless they choose to delegate those powers and duties to another town agency. The board of selectmen shall cause the laws and orders for the government of the town to be enforced and shall cause a record of all its official acts to be kept. To administer and implement its policies and aid the board in its official duties, the board of selectmen shall appoint a town manager as provided in Part IV of this charter.

(c) *Appointment Powers*

The board of selectmen shall appoint a town manager, town counsel, registrars of voters, and election officials. The board of selectmen shall further appoint members of boards, commissions or committees for which no other appointment provision is made in this Charter.

(d) *Investigative Powers*

The board of selectmen may investigate or may authorize the town manager to investigate the affairs of the town and the conduct of any town agency.

(e) *Licensing Power*

The board of selectmen shall be the licensing board of the town and shall have the power to issue licenses, to make all necessary rules and regulations regarding the issuance of such licenses, and to attach such conditions and restrictions thereto as it deems to be in the public interest.

The board of selectmen shall enforce the laws relating to all businesses for which it issues any licenses. The board of selectmen may delegate such licensing authority unless specifically prohibited by the laws of the commonwealth.

Section 3-3 *School Committee*

(a) *Composition, Terms of Office*

There shall be a school committee composed of five members elected for terms of three years each, so arranged that the terms of as nearly an equal number of members as is possible expire each year.

(b) *Powers and Duties*

The school committee shall have general charge of the public schools of the town. The school committee shall have the power to select and to terminate a superintendent of schools, establish educational goals and policies for the schools consistent with the requirements of the laws of the commonwealth and standards established by the commonwealth. The school committee shall have all the powers and duties given to school committees by the laws of the commonwealth.

Section 3-4 *Moderator*

(a) *Term of Office*

A moderator shall be nominated and elected by the voters for a term of three years. In the event of absence of the moderator the town meeting may elect a temporary moderator for the purpose of presiding over the meeting.

(b) *Powers and Duties*

The moderator shall have the powers and duties provided that office by the constitution and the laws of the commonwealth, by the charter, or by bylaw or by other town meeting vote. The moderator shall appoint a finance committee of nine members. Should the moderator fail to fill a vacancy on the finance committee within 45 days of having been notified in writing by the town clerk of said vacancy, a majority of the remaining members of the finance committee may nominate a person for each such vacancy. Should the moderator fail to take action on said nomination within 21 days, the nominee shall become a member of the finance committee.

Section 3-5 *Housing Authority*

(a) *Composition, Term of Office*

There shall be a housing authority composed of five members serving terms of five (5) years each, so arranged that the term of one member

expires each year. Four members shall be elected by the voters and the fifth member shall be appointed as provided for by the laws of the commonwealth.

(b) *Powers and Duties*

The housing authority shall make studies of the housing needs of the town and shall provide programs for housing. The authority shall have all the powers and duties given to housing authorities under the laws of the commonwealth.

Part IV Town Manager

Section 4-1 Appointment, Qualifications, Term of Office

The board of selectmen shall appoint a town manager and shall annually evaluate the performance of the town manager. The town manager shall be a person of proven administrative ability, especially qualified by education and training with at least five years full-time experience as a city or town manager or an assistant city or town manager or the equivalent experience. The board of selectmen may from time to time establish such additional qualifications as deemed necessary and appropriate.

The town manager shall devote full time to the duties of the office and shall not hold any other elective or appointive town office, nor shall the town manager engage in any other business unless such action is approved in advance in writing by the board of selectmen.

Section 4-2 Relationship of Town Manager and the Board of Selectmen

The town manager shall be the primary officer responsible for the implementation of policy directives and guidelines adopted by the board of selectmen. The daily administration of the affairs of the town shall be the responsibility of the town manager.

Section 4-3 Vacancy in Office

Any permanent vacancy in the office of town manager shall be filled as soon as possible by the board of selectmen. Pending appointment of the town manager or the filling of any vacancy the board of selectmen shall, within a reasonable period of time, appoint some other qualified person to perform the duties of the town manager.

Section 4-4 *Temporary Absence*

The town manager may designate by letter filed with the board of selectmen and town clerk a qualified officer of the town to perform the duties of the town manager during a temporary absence or disability. If such temporary absence or disability shall exceed thirty (30) days, any designation made by the town manager shall be subject to the approval of the board of selectmen. In the event of failure of the town manager to make such designation, or if the person so designated is for any reason unable to serve, the board of selectmen may designate some other qualified person to perform the duties of the town manager until the town manager shall return.

Section 4-5 *Compensation*

The town manager shall receive such compensation for services as the board of selectmen shall determine but such compensation shall be within the limits of available appropriations.

Section 4-6 *Powers of Appointment*

Except as otherwise provided by this charter, the town manager shall appoint, based on merit and fitness alone, and may remove all department heads, assistant department heads, officers, subordinates, employees serving under elected and appointed boards, commissions, committees and employees for whom no other method of selection and removal is provided in this charter except employees of the school department and housing authority.

Appointment of department heads by the town manager shall become effective on the fifteenth day following the day on which notice of the proposed appointment is filed with the board of selectmen unless the board of selectmen shall, within such period, by majority vote of the full board of selectmen, vote to reject such appointment.

Section 4-7 *Administrative Powers and Duties*

The town manager shall be the administrative officer of the town and shall be responsible to the board of selectmen for the proper operation of town affairs for which the town manager is given responsibility under this charter. The powers, duties and responsibilities of the town manager shall include, but are not intended to be limited to, the following:

- (a) to supervise, direct and be responsible for the efficient administration of all officers appointed by the town manager and their respective departments, and of all functions for which the town manager is given responsibility, authority, or control by this charter, by bylaw, by town meeting vote, or by vote of the board of selectmen;
- (b) to administer and enforce either directly or through a person or persons supervised by the town manager, in accordance with this charter, all provisions of the laws of the commonwealth or special laws applicable to the town, all bylaws, and all regulations established by the board of selectmen;
- (c) to coordinate activities of all town departments;
- (d) to attend all regular and special meetings of the board of selectmen, unless excused;
- (e) to attend all sessions of the town meeting and to answer all questions addressed to the town manager and which are related to warrant articles and to matters under general supervision of the town manager;
- (f) to keep the board of selectmen fully informed as to the needs of the town, and to recommend to the selectmen for adoption such measures requiring action by them or by the town as the town manager deems necessary or expedient;
- (g) to insure that complete and full records of the financial and administrative activity of the town are maintained and to render reports to the board of selectmen as may be required;
- (h) to be responsible for rental, use, maintenance, repair and the development of a comprehensive maintenance program for all town facilities except those under the jurisdiction of the school committee;
- (i) to serve as the chief procurement officer and be responsible for the purchase of all supplies, materials and equipment except books and other educational materials for schools, and approve the award of all contracts for all town departments with the exception of the school department;

- (j) to develop and maintain a full and complete inventory of all town owned real and personal property;
- (k) to administer personnel policies, practices, and rules and regulations, any compensation plan and any related matters for all municipal employees, and to administer all collective bargaining agreements, except for school department agreements, entered into by the town;
- (l) to fix the compensation of all town employees and officers appointed by the town manager within the limits established by appropriation and any applicable compensation plan and collective bargaining agreements;
- (m) to be responsible for the negotiation of all contracts with town employees over wages and other terms and conditions of employment, except employees of the school department;

The town manager may, subject to the approval of the board of selectmen, employ special counsel to assist in the performance of these duties. Contracts shall be subject to the approval of the board of selectmen;

- (n) to prepare and submit an annual operating budget and capital improvement program as provided in Sections 6-1 and 6-2 of this charter;
- (o) to keep the board of selectmen and the finance committee fully informed as to the financial condition of the town and to make recommendations to the board of selectmen as the town manager deems necessary;
- (p) to investigate or inquire into the affairs of any town department or office;
- (q) to delegate, authorize or direct any subordinate or employee of the town to exercise any power, duty or responsibility which the office of town manager is authorized to exercise, provided, that all acts which are performed under such delegation shall be deemed to be the acts of the town manager;
- (r) to perform such other duties as necessary or as may be assigned by this charter, by bylaw, by town meeting vote, or by vote of the board of selectmen;

Section 4-8 *Removal of Town Manager*

The board of selectmen, by affirmative vote of three of its members, may vote to terminate, remove or suspend the town manager. If so requested by the town manager, the board of selectmen shall provide a written statement setting forth the reasons for the removal or termination within ten (10) working days.

Within five (5) days after the vote to terminate, remove or suspend the town manager from office, the town manager may request a public hearing by filing a written request for such hearing with the board of selectmen. The purpose of such hearing is to provide the town manager with an opportunity to provide information and make a statement concerning removal from said office. If such a hearing is requested, the hearing shall be held at a meeting of the board of selectmen not later than twenty days from the date of request.

Part V Administrative Organization

Section 5-1 *Organization of Town Government*

(a) Method of Organization - Town Departments

The organization of town government into operating departments for the provision of services and the administration of government shall be the responsibility of the town manager. Subject only to the express prohibitions in the laws of the commonwealth or the provisions of this charter, the town manager may by administrative order reorganize, consolidate, create, merge, divide or abolish any town department or office, in whole or in part, establish such new town departments or offices as he deems necessary or advisable, and prescribe the functions and the administrative procedures to be followed by all such departments or offices.

At a minimum, the town manager shall provide for the following governmental functions:

- Administration and finance;
- Law enforcement;
- Fire protection and rescue service;

- Operation and maintenance of the town's roads, parks, buildings and other facilities;
- Management and protection of coastal resources;
- Town planning and enforcement of zoning and building codes;
- Enforcement of health and environmental regulations;
- Operation of the water and sewer systems.

Administrative orders made by the town manager shall become effective on the thirtieth (30) day following the day on which notice of the proposed administrative order is filed with the board of selectmen and the office of the town clerk unless the board of selectmen shall, within such period, by majority vote of the board of selectmen, vote to reject such administrative order or has earlier voted to affirm it.

(b) Method of Organization - Town Boards, Commissions or Committees

Unless otherwise provided by this charter, the establishment and organization of boards, commissions or committees shall be the responsibility of the board of selectmen. Subject only to the express prohibitions of the laws of the commonwealth or the provisions of this charter, the board of selectmen may by vote prescribe the term of office, reorganize, consolidate, create, merge, divide or abolish any town board, commission or committee, in whole or in part, establish such new board, commission or committee as deemed necessary or advisable, and prescribe the functions, purpose and responsibilities of such boards, commissions or committees.

Nothing in this section shall prohibit the town meeting from authorizing the appointment of one or more ~~any ad hoc study or research~~ committees. Votes of Town Meeting which authorize the formation of such committees shall state the charge, composition and town agency to be the appointing authority, if other than the Board of Selectmen. The tenure of any such committee shall continue pursuant to its charge and until abolition by or change by a subsequent town meeting.

(c) Failure to Fill Vacancies - Town Boards, Commissions or Committees

Should the appointing authority fail to fill a vacancy on a board,

commission, or committee within 45 days of having been notified in writing by the town clerk of said vacancy, a majority of the remaining members of the board, commission, or committee may nominate a person for each such vacancy. Should the appointing authority fail to take action on said nomination within twenty-one (21) days, the nominee shall become a member of said board, commission or committee.

(d) *Publication of Administrative Orders*

For the convenience of the public, copies of the administrative orders and votes of the board of selectmen establishing the nature of the town organization and any amendments thereto shall be available from the office of the town manager and from the office of the town clerk.

Section 5-2 Sunset Provision

Annually, the board of selectmen shall consider the administrative and practical needs of town boards, commissions and committees under its jurisdiction. During the course of such consideration the board of selectmen shall review whether each board, commission or committee has a defined purpose or functions or if there is another possible method of achieving the mission of the board, commission or committee. If the board of selectmen determines that any board, commission or committee does not appear to serve a purpose or another method of achieving the board, commission or committee's mission is desirable, the board of selectmen shall hold a public hearing and take any action deemed necessary.

All boards, committees or commissions shall annually, on a date determined by the board of selectmen submit a report of activities, achievements and other information to the board of selectmen.

Section 5-3 *Personnel System*

Subject to the approval of the board of selectmen, the town manager shall adopt rules and regulations establishing a personnel system. The adoption of rules and regulations shall be subject to a public hearing. The personnel system shall make use of modern concepts of personnel management and ~~may shall~~ include, ~~but not be limited to,~~ at least the following elements:

- a method of administration;
- personnel policies indicating the rights, obligations and benefits of

- employees;
- a classification plan;
- a compensation plan;
- a method of recruiting and selecting employees based on merit;
- a centralized record keeping system;
- disciplinary and grievance procedures;
- a written performance evaluation system for all full-time year-round employees
- a professional development, ~~evaluation~~ and training program;

and other elements that are deemed necessary.

All town agencies and positions shall be subject to the rules and regulations adopted under this section excluding employees of the school department and employees covered by collective bargaining agreement. The personnel rules and regulations shall not apply to the position of town manager.

~~The board of selectmen shall appoint a personnel committee which shall serve in an advisory capacity to the town manager. One member of the personnel committee shall be a town employee who is subject to the Personnel Rules and Regulations. Said member shall not be a department head and shall be recommended to the board of selectmen by vote of those employees subject to the Personnel Rules and Regulations.~~

Part VI – Financial Provisions

Section 6-1 Budget Process

At the onset of the annual budget process, the town manager shall meet with the board of selectmen, the school committee and the finance committee to discuss the upcoming operating and capital budgets.

Within a time fixed by bylaw prior to the annual town meeting, the town manager shall submit to the board of selectmen and finance committee a proposed operating and capital budget for all town departments, including the **operating and capital budgets** as adopted by the school committee for the ensuing fiscal year with an accompanying budget message and supporting documents.

The budget adopted by the school committee shall be submitted to the town manager in sufficient time to enable the town manager to consider the effect of the school committee's requested appropriation on the town total budget which is required to be submitted under this section.

The budget message submitted by the town manager shall explain the budget in fiscal terms and in terms of work programs. It shall outline the proposed fiscal policies of the

town for the ensuing fiscal year; describe the important features of the proposed budget and indicate any major variations from the current budget, fiscal policies, expenditures and revenues together with reasons for such change. The proposed budget shall provide a complete fiscal plan of all town funds and activities and shall be in the form the board of selectmen deems desirable.

Upon receipt of the Town Manager's proposed operating budget, the Board of Selectmen shall announce the date on which they intend to act on the budget, but in no case earlier than 30 days after receipt.

Section 6-2 Capital Improvements Program

The town manager shall submit a five-year capital improvement program to the board of selectmen and the finance committee at the date fixed by bylaw for the submission of the proposed operating budget unless some other time is provided by bylaw. The capital improvement program shall contain information regarding the cost of such program including a schedule of the existing principal and interest owed by the town. Year one of the five year capital improvements program shall be submitted with the operating budget for the ensuing fiscal year.

Upon receipt of the Town Manager's proposed capital improvement budget, the Board of Selectmen shall announce the date on which they intend to act on the capital improvement budget, but in no case earlier than 30 days after receipt.

Section 6-3 Finance Committee Action

The finance committee shall, upon receipt of the operating and capital budgets from the town manager, consider in public meetings the detailed expenditures for each town department and agency. The finance committee may request the town manager to provide necessary information from any town agency. The town manager shall promptly meet requests of the finance committee.

The finance committee shall make budget recommendations and report those recommendations to the board of selectmen in sufficient time for the board of selectmen to consider those recommendations prior to the board of selectmen voting on the operating and capital budgets.

Section 6-4 Board of Selectmen Action

Within a time fixed by bylaw the board of selectmen shall review the operating and capital budget improvements program, make changes as deemed appropriate and place their approved budget on the annual town meeting warrant. The board of

selectmen shall transmit their approved budget to the finance committee.

Section 6-5 Town Meeting Action

The finance committee shall vote their recommendations for action on the budget as received from the board of selectmen. Additionally, the finance committee shall file a report of its recommendations for action prior to the date on which the town meeting is to act on the budget. The report of the finance committee shall include the fiscal and tax implications of the budget and a statement outlining support or opposition to the budget or section of the budget. The report of the finance committee shall be prepared in sufficient time to be incorporated in the annual town meeting warrant. The budget to be acted upon by the town meeting shall be the budget approved by the board of selectmen with the accompanying recommendations of the finance committee.

Section 6-46 Approval of Warrants for Payment

Warrants for payments of town funds prepared by the town accountant shall be submitted to the town manager for approval. The approval of any such warrant by the town manager shall be sufficient authority to authorize payment by the town treasurer.

~~Part VI — Financial Provisions~~

~~Section 6-1 Budget Process~~

~~Within a time fixed by bylaw prior to the annual town meeting, the town manager shall submit to the board of selectmen a proposed operating and capital budget for all town departments, including the operating and capital budgets as adopted by the school committee for the ensuing fiscal year with an accompanying budget message and supporting documents.~~

~~The budget message submitted by the town manager shall explain the budget in fiscal terms and in terms of work programs. It shall outline the proposed fiscal policies of the town for the ensuing fiscal year; describe the important features of the proposed budget and indicate any major variations from the current budget, fiscal policies, expenditures and revenues together with reasons for such change. The proposed budget shall provide a complete fiscal plan of all town funds and activities and shall be in the form the board of selectmen deems desirable.~~

~~Within a time fixed by bylaw the board of selectmen shall review the operating and capital budget improvements program and make changes as deemed appropriate prior to transmitting the budget and capital improvement program to the finance committee.~~

~~The budget as adopted by the school committee shall be submitted to the town manager in sufficient time to enable the town manager to consider the effect of the school department's requested appropriation on the town total budget which is required to be submitted under this section.~~

~~Section 6-2 Capital Improvements Program~~

~~The town manager shall submit a five-year capital improvement program to the board of selectmen at the date fixed by bylaw for the submission of the proposed operating budget unless some other time is provided by bylaw. The capital improvement program shall contain information concerning the cost of such program including a schedule of the existing principal and interest owed by the town. Year one of the five year capital improvements program shall be submitted within the operating budget for the ensuing fiscal year.~~

~~Section 6-3 Finance Committee Action~~

~~The finance committee shall, upon receipt of the operating and capital budgets from the board of selectmen, consider in public meetings the detailed expenditures for each town department and agency. The finance committee may request the town manager to provide necessary information from any town agency. The town manager shall promptly meet requests of the finance committee.~~

~~The finance committee shall file a report of its recommendations for action prior to the date on which the town meeting is to act on the proposed budget. The report of the finance committee shall include the fiscal and tax implications of the proposed budget and a statement outlining support or opposition to the proposed budget or sections of the proposed budget. The report of the finance committee shall be prepared in sufficient time to be incorporated in the annual town meeting warrant. The budget to be acted upon by the town manager shall be the budget approved by the board of selectmen with the accompanying recommendations of the finance committee.~~

Part VII Recall of Elected Officers

Section 7-1 Application

Any office holder of an elected office in the town may be recalled therefrom by the

voters of the town as herein provided.

Section 7-2 *Recall Petition*

Any one hundred voters of the town may initiate a recall petition by filing with the town clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall.

The town clerk shall thereupon deliver to said voters copies of petition blanks demanding such recall, copies of which printed forms the town clerk shall keep available. Such blanks shall be addressed to the board of selectmen and shall contain the names of all persons to whom they are issued, the number of blanks so issued, the name of the person whose recall is sought, the office from which the removal is sought, the grounds of recall as stated in the affidavit, and shall demand the election of a successor in said office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk.

Said recall petition shall be returned and filed with the town clerk within twenty days after the filing of the affidavit, and shall have been signed by at least twenty-five per cent of the registered voters of the town as of the date of the most recent preceding annual town election, who shall add to their signature the street and number, if any, of their residence.

Section 7-3 *Recall Election*

If the petition shall be found and certified by the town clerk to be sufficient, the town clerk shall submit the same with such certificate to the selectmen within five working days and the selectmen shall, within five working days, give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within five days thereafter, order an election to be held on a date fixed by them not less than sixty and not more than ninety days after the date of the town clerk's certificate that a sufficient petition has been filed; provided, however that if any other town election is to occur within one hundred days after the date of the certificate the board of selectmen shall postpone the holding of the recall election to the date of such other election.

No person shall be subject to recall if the term of office of such person expires within ninety days of the certificate. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.

Section 7-4 *Nomination of Candidates*

Any officer sought to be removed may be a candidate to succeed to the same office and unless the officer requests otherwise in writing, the town clerk shall place the name of the officer on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the removal election, and the conduct of the same, shall all be in accordance with the provisions of law relating to elections unless otherwise provided in the section.

Section 7-5 *Office Holder*

The incumbent shall continue to perform the duties of the office until the recall election. If said incumbent is not removed the incumbent shall continue in office for the remainder of the unexpired term subject to recall as before. If not reelected in the recall election, the officer shall be deemed removed upon the qualification of the successor who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of election, the incumbent shall thereupon be deemed removed and the office vacant.

Section 7-6 *Ballot Proposition*

Ballots used in a recall election shall submit the following propositions in the order indicated:

For the recall of (name of officer)
Against the recall of (name of officer)

Immediately at the right of each proposition there shall be an area in which the voter, by making **a** mark in accordance with the instructions on the ballot may vote for either of the said propositions. Under the propositions shall appear the word "Candidates", the directions to the voters required by section forty two of chapter 54 of the General Laws, and beneath this the names of the candidates nominated in accordance with the provisions of law relating to elections. If two-thirds of the votes cast upon the question of recall are in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If more than one-third of the votes on the question are in the negative the ballots for candidates need not be counted.

Section 7-7 *Repeat of Recall*

No recall petition shall be filed against an officer within ninety days after taking office, nor, in the case of an officer subjected to a recall election and not recalled thereby, until at least ninety days after the election at which the officer's recall was submitted to the town.

Section 7-8 *Office Holder Recalled*

No person who has been recalled from an office or who has resigned from an office while recall proceedings were pending against such person shall be appointed to any town office within one year after such recall or such resignation.

Part VIII General Provisions

Section 8-1 *Charter Revision or Amendment*

The charter may be replaced, revised or amended in accordance with any procedure made available by Article LXXXIX of the Amendments to the Constitution of the Commonwealth and any laws of the Commonwealth enacted to implement said constitutional amendment.

Section 8-2 *Periodic Charter Review*

| At least once in every ~~seven~~-five years a special committee shall be appointed by the board of selectmen for the purpose of reviewing the provisions of the charter and to make a report concerning any proposed amendments or revisions which such committee deems necessary.

Section 8-3 *Severability*

The provisions of this charter are severable. If any of the provisions of this charter are held to be unconstitutional, or invalid, the remaining provisions of this charter shall not be affected thereby. If the application of this charter, or any of its provisions, to any person or circumstances is held to be invalid, the application of said charter and its provisions to other persons or circumstances shall not be affected thereby.

Section 8-4 *Rules of Interpretation*

The following rules shall apply when interpreting the charter:

- (a) *Specific provisions to prevail:* To the extent that any specific provision of the charter shall conflict with any provision expressed in general terms, the specific provision shall prevail.
- (b) *Number and gender:* Words imparting the singular number may extend and be applied to several persons or things; words imparting the plural number may include the singular; words imparting the masculine gender shall include the feminine gender.
- (c) *References to General Laws:* All references to the General Laws or the Laws of the Commonwealth contained in the charter refer to the General Laws of the Commonwealth of Massachusetts and are intended to include any amendments or revisions to such chapters and sections or to the corresponding chapters and sections of any rearrangement of the General Laws enacted subsequent to the adoption of the charter.
- (d) *Computation of time:* In computing time under the charter, if seven days or less, only business days not including Saturdays, Sundays or legal holidays shall be counted; if more than seven days, every day shall be counted.

Section 8-5 *Definitions*

Unless another meaning is clearly apparent from the manner in which the word is used, the following words used in the charter shall have the following meanings:

- (a) *Charter:* the word “charter” shall mean this charter and any amendments to it made through any methods provided under Article LXXXIX of the Amendments to the Constitution of the Commonwealth.
- (b) *Town:* the word “town” shall mean the Town of Chatham.
- (c) *Voters:* the word “voters” shall mean registered voters of the town.
- (d) *Majority Vote:* the words “majority vote” shall mean a majority of those present and voting, provided a quorum is present when a vote is taken, unless a higher number is required by law, this charter, or by its own rules.
- (e) *Town agency or agency:* the words “town agency” or the word “agency” shall mean any board, commission, committee, department or office of town government, whether elected, appointed or otherwise constituted.
- (f) *Town department or department:* The words “town department” or

“department” shall be any office, organizational unit or function under the direction of the town manager.

(g) *Interlocal*: The word “interlocal” shall mean between or among units of government.

Part IX Transitional Provisions

Section 9-1 *Continuation of Existing Laws*

All town bylaws, resolutions, rules, regulations, orders, special acts, and votes of the town meeting which are in force ~~at the time this charter is adopted~~, not inconsistent with the provisions of this charter, shall continue in full force until amended or repealed. ~~Where provisions of this charter conflict with provisions of town bylaws, rules, regulations, orders, general laws, special acts and acceptances of general laws, the charter provisions shall govern. All provisions of town bylaws, rules, regulations, orders and special acts not superseded by this charter shall remain in force.~~

~~Section 9-2 *Existing Officials and Employees*~~

~~Any person holding a town office or employment under the town shall retain such office or employment and shall continue to perform the duties of the office until provisions shall have been made in accordance with this charter for the performance of the said duties by another person or agency. No person in the permanent full-time service or employment of the town shall forfeit pay grade or time in service. Each person shall be retained in a capacity as similar to the person's former capacity as is practical.~~

~~Section 9-3 *Continuation of Government*~~

~~All town officers, boards, commissions or agencies shall continue to perform their duties until reappointed, or reelected, or until successors to their respective positions are fully appointed or elected or until their duties have been transferred and assumed by another town office, board, commission or agency.~~

Section 9-4~~2~~ *Transfer of Records and Property*

All records, property and equipment whatsoever of any office, board, commission, committee or agency or part thereof, the powers and duties of which are assigned in whole or in part to another town office, board, commission or agency shall be

transferred forthwith to such office, board, commission or agency.

~~Section 9-5 Time of Taking Effect~~

~~This charter shall become fully effective upon ratification by the voters except as otherwise provided in this section:~~

~~(a) As soon as practical following the election at which the charter is adopted the board of selectmen shall appoint a town manager.~~

~~(b) Within eight weeks after the adoption of this charter, the moderator shall appoint a committee of five members to review town bylaws. Within two years of such appointment the committee shall report back to the town meeting with recommendations to bring bylaws in conformity with the provisions of the charter.~~

~~(c) The incumbents serving as members of the cemetery commission, park commission, planning board, recreation commission and the board of health shall continue to serve for the balance of the terms for which they were elected. Upon the expiration of the terms of office of members of the cemetery commission, park commission, planning board, recreation commission and the board of health the succeeding officers shall be appointed by the board of selectmen until such other form of organization is provided for in accordance with Section 5-1.~~

~~(d) The incumbents serving as members of the finance committee shall continue to serve for the balance of the terms for which they were appointed. Upon the expiration of the terms of office, or should any vacancies occur sooner, the moderator shall appoint members of the finance committee in accordance with Section 3-4.~~

~~(e) The incumbent in the office of highway surveyor shall continue to serve for the balance of the term for which the highway surveyor was elected. Upon the expiration of the term of office of the highway surveyor, or if a vacancy shall occur sooner, the highway surveyor shall be appointed by the town manager until some other form of organization is provided for in accordance with Section 5-1.~~

~~(f) The incumbent in the office of tree warden shall continue to serve for the balance of the term for which the tree warden was elected. Upon the expiration of the term of office of the tree warden, or if a vacancy shall occur sooner, the tree warden shall be appointed by the town manager until such other form of organization is provided for in accordance with Section 5-1.~~

~~(g) The elected constables shall continue to serve for the balance of the term for which they were elected. Upon the expiration of the term of office of any constable, or if a vacancy shall occur sooner, the constables shall be appointed by the board of selectmen.~~

~~(h) Incumbent members of the Water and Sewer Commission will continue as an advisory committee to the board of selectmen and town manager.~~

~~(i) Within twenty four months after the adoption of this charter the town manager shall prepare a comprehensive plan of organization in the form of an administrative order in accordance with Section 5-1(a) of this charter. The town manager shall also indicate any changes in the number, responsibilities, and powers and duties of any board, commission or committee that may be restructured by the board of selectmen in accordance with Section 5-1(b). Notwithstanding Section 5-1(a) of this charter, administrative orders proposed by the town manager shall become effective on the sixtieth day following the day on which notice of the proposed administrative order is filed with the board of selectmen unless the board of selectmen shall, within such period, by majority of the board of selectmen vote to reject such administrative order or has sooner voted to affirm such administrative order with or without amendments.~~

~~This section is intended to provide the board of selectmen sufficient time to review and amend the initial administrative order proposed by the town manager; thereafter any administrative orders proposed shall become effective in the manner provided in Section 5-1(a). Until such time as another form of organization is provided in accordance with the procedures set forth in this section, or as made available under Section 5-1(a) of this charter, the organization of town government shall include but not be limited to, the following departments:~~

- ~~(1) a department of administration and finance;~~
- ~~(2) a department of community development;~~
- ~~(3) a department of coastal resources;~~
- ~~(4) a department of public works;~~
- ~~(5) a department of health and environment;~~
- ~~(6) a department of parks and recreation;~~
- ~~(7) a fire department; and~~
- ~~(8) a police department.~~

~~The town manager may organize such departments incorporating functions, services and agencies into such departments as deemed appropriate. The town manager may appoint department heads or act as the department head.~~

- End -